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Twenty-fifth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1794 (2007), by which the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) was extended until 31 December 2008. The Council also requested me to submit by 31 March a report on the situation in the Democratic Republic of the Congo, including on how MONUC could further support the Armed Forces of the Democratic Republic of the Congo (FARDC) or take other measures in dealing with illegal foreign and Congolese armed groups; on efforts to prevent and respond to sexual violence; and on the further development of the benchmarks outlined in my report of 14 November 2007 (S/2007/671). The report also outlines major developments in the Democratic Republic of the Congo from 31 October 2007 to 24 March 2008.

II. Major developments

A. Eastern Democratic Republic of the Congo

2. Important steps were taken during the reporting period to address the overall deteriorating situation in the Kivus. These steps constituted progress towards achieving the benchmarks outlined in my previous report regarding the elimination of the threat posed by national and foreign armed groups to the eastern part of the Democratic Republic of the Congo and neighbouring countries, and the stabilization of sensitive areas, particularly in the eastern part.

3. Late in 2007, clashes intensified in North Kivu between FARDC and the politico-military group led by dissident Laurent Nkunda, the Congrès national pour la défense du peuple (CNDP). Various armed groups, including Mayi-Mayi and the Democratic Forces for the Liberation of Rwanda (FDLR), also engaged in fighting. In the latter half of 2007, the Government carried out a major build-up of FARDC troops in the region in response to Nkunda's repeated refusal to send troops under his command into *brassage* or disarmament, demobilization and reintegration. Early in December, following an attack by CNDP forces, Government troops began a major offensive against Nkunda's forces. Despite initial successes, FARDC

operations aimed at neutralizing Nkunda's forces failed to achieve their objectives. Between 10 and 13 December, FARDC lost all the terrain gained from CNDP. The failure of the offensive also resulted in the collapse of two FARDC integrated brigades.

4. In order to address the escalating crisis, the Government announced its intention to organize the long-awaited Conference on Peace, Security and Development in the Kivus. With the active engagement of and support from MONUC and international partners, the conference was held in Goma from 6 to 25 January. In all, 1,250 delegates attended, including representatives of Congolese armed groups, local communities, local authorities, political parties and civil society. The work of the conference was conducted in two seminars, one for North Kivu and one for South Kivu. At each seminar four committees were set up to consider issues relating to peace, security, social and humanitarian affairs and development.

5. The main objective of the conference was to create a space where representatives of the communities and armed groups could express grievances, share perceptions and fears and address the root causes of conflict in the region. The participants adopted a wide range of recommendations and commitments to resolve the main problems facing the populations of the Kivus.

6. A key outcome of the conference was the adoption, on 23 January, of two statements of commitment for North and South Kivu. The statements were signed by all participating Congolese armed groups, including CNDP and Banyamulenge insurgents from South Kivu, represented by the Forces républicaines fédéralistes. International partners, including my Special Representative for the Democratic Republic of the Congo, Alan Doss, also signed as witnesses. The statements committed the armed groups to (a) accepting a ceasefire, to be monitored by MONUC; (b) agreeing that all militias should undergo disarmament, demobilization and reintegration or *brassage*; and (c) facilitating the return of refugees and internally displaced persons. The Government in turn committed itself to presenting to Parliament a measure renewing until January 2008 the amnesty law, which had expired in 2003, and extending it to cover recent acts of war and insurrection. The amnesty would not, however, apply to war crimes, crimes against humanity or genocide.

7. The statements of commitment did not address several key issues, including the timeline for disarming the armed groups and modalities for *brassage*. The signatories agreed to establish a joint technical commission on peace and security to address those issues and to monitor implementation. It was agreed that the commission would comprise representatives of the Government, the armed groups and international partners.

8. To support the work of the commission, an ad hoc ceasefire monitoring mechanism, chaired by MONUC, became operational on 10 February. As at 15 March, the mechanism had received 108 reports of violations, of which 64 had been verified, 30 had been confirmed as non-violations and 14 remained under investigation. Most violations were reported in North Kivu, involving FARDC, CNDP, the Coalition of Congolese Patriotic Resistance and Mayi-Mayi groups.

9. In February, President Kabila issued executive orders which established the framework for "Amani", the Government programme for the security, pacification,

stabilization and reconstruction of North and South Kivu, and appointed Abbé Malu Malu as its coordinator. The President chairs the Amani structure's Steering Committee and the National Coordination Office, the two strategic oversight bodies, and retains ultimate decision-making authority over the programme. Four technical commissions are envisaged under the National Coordination Office, including the joint technical commission on peace and security. Following discussions with the parties, the President issued additional executive orders on 24 March outlining the composition and structure of the Commission, which will be jointly chaired by the Government and the international facilitation.

10. Another significant development was the signing by the Governments of the Democratic Republic of the Congo and Rwanda of a joint communiqué in Nairobi on 9 November (see S/2007/679, annex). The communiqué — the result of diplomatic efforts facilitated by the United Nations and other international partners — acknowledged that illegal armed groups constituted a threat to both countries and to the region. It called for military and non-military actions to eliminate the threat of illegal armed groups in the eastern part of the Democratic Republic of the Congo, particularly the ex-Rwandan Armed Forces (ex-FAR) Interahamwe. The communiqué called for the voluntary disarmament and repatriation or temporary relocation of the ex-FAR/Interahamwe away from the border between the Democratic Republic of the Congo and Rwanda, as well as stricter border control and humanitarian and public information activities, to contribute to stability in the region. The two countries also pledged to refrain from arming, financing or otherwise supporting any armed groups.

11. In accordance with the communiqué, on 1 December, the Government of the Democratic Republic of the Congo submitted to the Government of Rwanda a detailed plan to disarm the ex-FAR/Interahamwe, including through the launching of military operations. As a first step, the Government of the Democratic Republic of the Congo has initiated sensitization efforts among the ex-FAR/Interahamwe to encourage voluntary repatriation. On 11 February, President Kabila issued a presidential decree creating a steering committee for the implementation of the Government's plan to eradicate foreign armed groups from the territory of the Democratic Republic of the Congo. For its part, pursuant to the communiqué, the Government of Rwanda has submitted to the Government of the Democratic Republic of the Congo a list of *génocidaires*.

12. A joint monitoring group composed of representatives of the Democratic Republic of the Congo, Rwanda and international partners was established and held its first meeting in Goma on 16 December. The group convenes at the level of special envoy, as well as at the operational task force level. The special envoys have met twice under the chairmanship of the United Nations during the reporting period. Chaired by MONUC, the task force meets weekly in Goma. The Mission also provides a secretariat for the task force.

13. The Democratic Republic of the Congo and Rwanda have also reactivated the joint verification mechanism which addresses allegations by both countries regarding violations of their territorial integrity and activities of armed groups in border areas.

14. The Nairobi communiqué has led to a renewed focus on disarmament, demobilization, reintegration and resettlement or repatriation, which is an important factor for achieving the benchmarks outlined in my previous report. MONUC is

assisting the Government of the Democratic Republic of the Congo in developing its implementation plan in this regard and supports the efforts of both the Democratic Republic of the Congo and Rwanda towards their common goal of repatriating or relocating the estimated 6,000 ex-FAR/Interahamwe elements in the Democratic Republic of the Congo. During the reporting period, the disarmament, demobilization, reintegration and resettlement or repatriation activities of MONUC were aimed at revitalizing existing sensitization capacity and at improving working relations with the Governments of the Democratic Republic of the Congo and Rwanda and with the Multi-Country Demobilization and Reintegration Programme. MONUC has relocated its disarmament, demobilization, repatriation, resettlement or reintegration section to Goma and is supporting the efforts of the Government of Democratic Republic of the Congo to sensitize the political and military leadership of the ex-FAR/Interahamwe. It has also undertaken numerous multilevel sensitization operations in close collaboration with the Multi-Country Demobilization and Reintegration Programme.

15. MONUC has significantly increased its military presence in the Kivus and expanded its coverage of operational areas in support of the Goma and Nairobi processes. By April 2008, MONUC military will have redeployed some 2,000 additional personnel to North Kivu and approximately 850 additional troops to South Kivu. MONUC has deployed mobile operating bases to expand its presence in areas where FDLR is undermining legitimate authority and exploiting both local populations and natural resources. While redeploying military assets from Ituri or other parts of the Democratic Republic of the Congo to the Kivus, MONUC is deeply conscious of the need to avoid creating security vacuums, which might jeopardize important progress towards peace and stability elsewhere in the country.

B. Bas-Congo

16. Since my previous report, the political and security situation in Bas-Congo has deteriorated sharply. Tensions in the province increased early in January, following clashes between the Congolese National Police and the Bundu Dia Kongo (BDK) politico-religious movement, which has challenged State authority throughout the province. BDK is calling for greater fiscal decentralization, regional autonomy and self-determination, while also reviving residual electoral disputes and demanding that the Government respect its right to cultural and religious freedoms. BDK has a record of threatening and attacking public officials, staging violent demonstrations and taking other provocative actions. The group has called for the holding of a conference on peace and development in Bas-Congo. The Government of the Democratic Republic of the Congo considers BDK to be seditious and believes that its activities are intended to undermine the Constitution. During a visit to Matadi on 27 February, my Special Representative urged local authorities and BDK to exercise restraint and work towards a peaceful resolution of the tensions.

17. On 28 February, the Government launched operations to restore State authority in the most sensitive areas in Bas-Congo. On the basis of the limited information available, it has been estimated that at least 50 BDK supporters in Luozi, north-east of Matadi, died in the ensuing clashes. In a cordon and search operation on 8 March, the Congolese National Police allegedly set fire to several BDK places of worship in Matadi and arrested leaders of the group.

18. On 2 March, MONUC dispatched a formed police unit together with an infantry company and several teams of military observers to assess the situation, protect civilians and cooperate with provincial authorities. MONUC also offered to carry out joint patrols with the Congolese National Police in order to ease tensions. The Mission office in Matadi is also working at the local level to monitor the situation and urge restraint and reconciliation.

19. From 10 to 14 March, MONUC and humanitarian partners carried out an assessment of humanitarian needs in the province. On 17 March, the Mission dispatched a multidisciplinary team to investigate the events and allegations of human rights violations. The team is to examine reports of disproportionate use of force by Congolese National Police and allegations of torture and summary executions.

C. Governance and decentralization

20. Progress towards institutional reform during the reporting period was slow and the Government has made little headway in implementing its programme for 2007-2011 or the governance contract. On 25 November, a Government reshuffle was announced. In an effort to improve efficiency and coordination, the Cabinet was reduced from 60 to 45 ministers and deputy ministers. Sixteen newly appointed Cabinet officials are members of the President's Alliance pour la majorité présidentielle and its allies, the Parti lumumbiste unifié and the Union des démocrates mobutistes.

21. Parliament pursued an ambitious legislative agenda during its regular and extraordinary sessions. Several key laws were adopted, including the politically sensitive law on the status of the political opposition. In addition, the National Assembly recently adopted draft laws on key issues such as decentralization and the establishment of the High Council of the Magistrature. The Senate is expected to review these bills during the regular session that began on 15 March, while the National Assembly will deliberate on the draft establishing the new National Independent Electoral Commission, the successor to the Independent Electoral Commission.

22. In the provinces, motions of no confidence adopted by provincial assemblies against members of provincial executives have hampered the work of assemblies in South Kivu, Orientale, Kasai Occidental, Equateur and Maniema provinces. The proliferation of such motions is a result of the contested gubernatorial elections of January 2007, which were marred by allegations of corruption. Several of the ousted governors were subsequently reinstated by judicial order, leading to further tensions among provincial institutions.

23. Little progress has been achieved in the decentralization process mandated by the Constitution. After months of intense debate, the National Assembly adopted bills defining the respective competencies of the national Government, the provinces and the decentralized territorial entities. These bills are subject to review by the Senate. No agreement has yet been reached on implementation of the Constitution's provisions regarding revenue-sharing between the national Government and the provinces. In September 2007, the Government declared its intention to implement revenue-sharing by 1 January. However, the recently adopted 2008 budget does not reflect this commitment. Government revenue therefore

continues to be controlled at the national level, limiting the control by the provinces of their own budgets and programmes.

24. Progress on the President's five declared priority areas of health; education; water and electricity; infrastructure; and employment has also been limited. On key governance issues, national stakeholders have expressed serious concern about the Government's lack of transparency regarding mining concessions and political appointments of senior administrators of public enterprises. The President's extensive reshuffle of the judicial branch, without consultation, was also criticized and led to a strike by judges in February.

25. Following the World Bank-Democratic Republic of the Congo Consultative Group meetings held in Paris in November 2007, the Government established thematic groups chaired at the ministerial level, bringing together the Government and international partners. The groups, which are aimed at promoting the implementation of the poverty reduction strategy paper and the Priority Action Programme and at ensuring follow-up to the Paris Declaration on Aid Effectiveness, are also intended to strengthen partnership between the Government and the international community on wider economic governance issues.

26. The economic situation deteriorated early in 2008. By the end of January, the Congolese franc had depreciated by 8 per cent, and the annual inflation rate had risen to nearly 16 per cent. The International Monetary Fund (IMF) is investigating the origin of the budgetary slippages, which are thought to be linked in part to military spending in the eastern part of the Democratic Republic of the Congo. However, IMF has also noted clear dysfunctions in the spending chain which contributed to extrabudgetary expenditure. Recent macroeconomic events in the Democratic Republic of the Congo could delay the completion of the debt-relief process.

III. Security environment

27. The overall security situation remained fragile. Kinshasa and other provinces witnessed a surge in violent crime, attributed in large part to unpaid demobilized former combatants and to military and police personnel. Rising inflation, which has had a negative impact on purchasing power throughout the country, may also have been a factor.

28. In Ituri, however, the security situation has improved following the third phase of the disarmament, demobilization and reintegration process, which targeted Forces de résistance patriotique d'Ituri (FRPI), Front des nationalistes et intégrationnistes (FNI) and Mouvement révolutionnaire congolais elements. The departure in November 2007 of Cobra Matata of FRPI, Peter Karim of FNI and Mathieu Ngudjolo was considered a milestone for the stability of Ituri.

29. However, FNI and FRPI splinter groups that refused to disarm continued to create insecurity, primarily in Djugu and Irumu territories. Political efforts to obtain their surrender, together with military pressure, have largely neutralized remnant FNI dissidents operating in Lalo and the Katanga forest areas. On 31 January, Konzinziko Chabaniekoli surrendered, which leaves only two dissident FNI leaders — "Majors" Freddy and Arith — at large, along very few combatants. FNI now poses a criminal, rather than a credible military threat.

30. MONUC and FARDC are continuing joint operations against FRPI, which is reportedly recruiting new combatants and being resupplied with weapons. FRPI still maintains an operational capacity that allows it to launch hit-and-run operations against FARDC. Clashes have halted returns of internally displaced persons in parts of Ituri, which, by the end of 2007 had registered the largest number of returns in the eastern part of the country. The fragile security situation poses a serious threat to the strengthening of community reintegration and recovery processes in some areas of Ituri.

31. The movement of CNDP and Mayi-Mayi combatants from North Kivu into the *brassage* centre in Kamina has complicated the security situation in Katanga, where delays in the disarmament, demobilization and reintegration process resulted in a violent clash in February that led to 37 casualties. Mayi-Mayi ex-combatants and armed groups from the Mitwaba, Pweto and Manono areas also continue to threaten security.

IV. Humanitarian situation

32. Since my previous report, the humanitarian situation in the Kivus has remained a source of serious concern. With a displaced population of some 800,000, North Kivu continued to have the highest concentration of internally displaced persons in the Democratic Republic of the Congo. The Goma process notwithstanding, insecurity persisted among internally displaced persons and local communities. As at 15 March, only tentative population returns had been observed. Forced recruitment by all armed groups signatories to the statements of commitment has deepened the sense of insecurity and led to additional displacements. A series of earthquakes in the region in February further aggravated the situation.

33. Host communities continued to face difficult conditions. Prolonged displacements exhausted traditional community coping mechanisms, outstripping food production. As a result, increased levels of household food insecurity and malnutrition are being registered in the Kivus. With a view to containing the deteriorating conditions, humanitarian organizations are intensifying their interventions with internally displaced persons and host communities. Despite proactive efforts by the Office for the Coordination of Humanitarian Affairs, in close collaboration with other humanitarian organizations and MONUC, access remains a major constraint to humanitarian operations. Armed escorts are required in many areas and military confrontations between national and foreign armed groups inhibit access to the most vulnerable communities. Harassment of humanitarian workers, particularly by armed gangs and militia, poses a serious threat. Widespread violations of international humanitarian law by all parties to the conflict remain a serious concern.

34. Beyond the Kivus, the overall humanitarian situation in the Democratic Republic of the Congo remained bleak. A greatly elevated mortality rate in 2007 rendered continued humanitarian assistance a priority. The 2008 Humanitarian Action Plan, which requires $575 million if it is to meet urgent humanitarian needs, has received a $38 million contribution from the Central Emergency Response Fund underfunded window for the accelerated implementation of core humanitarian programmes. Donors participating in the Democratic Republic of the Congo Pooled

Fund are expected to make available an additional $65 million in the first months of 2008.

V. Support for security and stabilization in the east

35. With a view to meeting the relevant benchmarks outlined in my previous report, MONUC developed a security and stabilization strategy to lay the groundwork for the Mission's orderly eventual withdrawal, in particular from the eastern part of the Democratic Republic of the Congo. In order to implement the strategy, MONUC has strengthened its civilian, police and military presence in the east. The strategy is aimed at protecting civilians by rapidly stabilizing areas in the east where armed groups are expected to disband in line with the Goma and Nairobi processes. The strategy will combine and prioritize elements from existing frameworks, including the Government's Priority Action Programme, the 2008 Humanitarian Action Plan and the Mission's mandate implementation plan.

36. The strategy focuses on (a) political and military actions to encourage remaining armed groups to disband; (b) political measures to encourage the fulfilment of commitments made within the Goma process; (c) basic first steps to ensure the return of State authority to areas formerly controlled by armed groups; and (d) support for the return and reintegration of war-affected populations.

37. The strategy has benefited from generous, early financial support from the Governments of the Netherlands and Japan. A number of other partners have indicated their willingness either to fund the strategy or to implement programmes in keeping with its objectives. However, additional funding is still required.

VI. Support for the Armed Forces of the Democratic Republic of the Congo and joint operations

38. MONUC has continued to provide operational support to FARDC aimed at stabilizing sensitive areas and expanding State authority, both of which are critical elements of the benchmarks. However, the extent of this support has been undermined by the ad hoc nature of the requests of FARDC, which were routinely incomplete and delivered with limited warning and usually without preparatory liaison. The limited capacity of FARDC for comprehensive planning, particularly for logistical support and sustainment, along with poor training and lack of equipment, seriously challenged its ability to carry out effective operations.

39. Despite institutional weaknesses and shortcomings, better coordination at lower tactical levels allowed for some successful limited joint operations. In Orientale, Katanga and Maniema provinces, small-scale operations aimed primarily at sensitizing armed groups in preparation for entering *brassage* were successful and enhanced FARDC performance. Joint patrolling provided limited mentoring that increased security and reinforced FARDC capability. Larger joint operations were undertaken in Ituri where FARDC benefited from MONUC support in operations against FNI and FRPI splinter groups. Although those operations were encumbered by problems of poor coordination and inadequate planning, interaction has improved and progress has been observed.

40. Critical support was also provided to FARDC in North Kivu. In December, MONUC reinforced its positions in Sake, Rutshuru and Goma in order to protect civilians where FARDC faced setbacks. Those deployments prevented the fall of those key population centres. Additional mobile operating bases, allowed MONUC to extend protection to civilians in a number of locations, while increased patrols enhanced the security of internally displaced persons. In addition to protecting civilians, MONUC supported FARDC within the terms of its mandate pursuant to resolution 1756 (2007) by providing planning advice for FARDC operations. MONUC also helped transport ammunition and rations and evacuated FARDC casualties from conflict zones.

41. MONUC planning for joint operations against FDLR has been under way since November 2007. The resulting joint concept, which allows for a phased, progressive approach, was endorsed by President Kabila in March. The concept combines an enhanced military presence with political activities and sensitization in the area of disarmament, demobilization, reintegration and resettlement or repatriation. The first phase involves designated FARDC battalions establishing a presence in FDLR areas with the support of MONUC. As necessary, FARDC would thereafter undertake targeted operations against recalcitrant FDLR components. Such operations would be synchronized with actions resulting from the implementation of the statements of commitment.

42. FARDC lacks the capacity to undertake significant offensive operations in the near future. Addressing that deficit will require the institution of a system of leadership vetting and review, increased joint operational planning and better training. MONUC is conducting an assessment to determine the capabilities and limitations of FARDC in terms of offensive operations and to identify priority areas where the Mission and international partners could help enhance FARDC capabilities.

43. Since the successful completion of the pilot phase of the Mission's main training project in March 2007 and the graduation of a FARDC integrated battalion, MONUC has delivered two additional basic training programmes for 10 FARDC integrated battalions. In spite of logistical deficiencies and the lack of FARDC weapons and equipment, the second main training project was successfully completed, with the units entering service in the FARDC integrated brigades.

44. MONUC expects to conduct similar courses in 2008 and intends to enhance the training programme with supplementary training courses to develop the operational effectiveness and planning ability of FARDC officers. The introduction of mortar and engineering courses into the programme will enhance specific combat-support capabilities.

VII. Protection of civilians

45. MONUC continued to provide security for the delivery of humanitarian assistance and for the return and the reintegration of refugees and internally displaced persons. It achieved a high level of civilian-military coordination by developing a strategic approach to protection activities. As part of the Mission's joint protection concept, humanitarian and protection priorities and population considerations have been integrated into its military planning for all eastern

provinces through a series of civilian-military exchanges, the development of maps and matrices and the deployment of mobile operating bases for civilian protection.

46. The operationalization of the Mission's joint protection concept helped to protect civilians during the FARDC offensive against CNDP forces in North Kivu. In addition to securing the key urban and population centres, MONUC provided direct protection to more than 150,000 civilians who were sheltering in the nearby internally displaced person sites: 50,000 in the five sites around Mugunga in the vicinity of Goma and 100,000 in the general area of Kiwanja and Rutshuru.

47. In the framework of the planning exercise launched following the Nairobi communiqué, MONUC carried out an assessment of the projected humanitarian impact of military offensives against FDLR in North Kivu, South Kivu and Maniema. The evaluation provided essential information on population characteristics and anticipated movements, humanitarian presence and supply capacities in the area.

VIII. Human rights

48. The human rights situation remained precarious and a cause for grave concern during the reporting period. Elements of Congolese and foreign armed groups, as well as members of the national security forces, continued to carry out arbitrary executions and commit acts of rape, torture and cruel, inhuman and degrading treatment with almost total impunity. A MONUC human rights investigative team concluded that on 16 and 17 January, in the vicinity of Kalonge, North Kivu, at least 30 civilians were executed by CNDP elements. The results of the investigation were shared with CNDP, which contested the findings and called for a separate investigation. On 2 January, in Musizero in North Kivu, soldiers of the FARDC second integrated brigade allegedly killed eight people, including three children.

49. Members of the intelligence services were implicated in several cases of arbitrary arrest and detention followed by torture and extortion. MONUC was hindered in its monitoring of those services by the systematic refusal to grant access to many detention centres. Human rights advocates were subjected to arbitrary arrest, harassment, threats and intimidation by police and other security forces.

50. Against this background, a state of almost total impunity for serious offences continues to prevail. The national authorities have failed to adequately investigate the serious human rights violations committed by members of the security forces, including at the time of the events in Kinshasa early in 2007. In addition, about 200 people who were arrested in connection with events in Kinshasa in March 2007 remain in detention without formal charges having been brought against them.

51. Interference by military and political authorities seriously undermined the independence of the judiciary. Following the beating and torture of two military judges in September 2007 by the FARDC commander of the ninth military region, civilian and military judges went on strike and, in a memorandum to the President, condemned frequent interference in the administration of justice by senior military commanders. Although an inquiry was opened, the suspects were not suspended or brought to justice.

52. Concerns regarding the administration of justice were exemplified by two high-profile cases closely monitored by MONUC. In an effort to remedy serious

deficiencies observed during the trial for the murder of Radio Okapi journalist Serge Maheshe in Bukavu in 2007, MONUC transmitted a detailed report on the trial to the authorities of the Democratic Republic of the Congo. The report concluded that the Bukavu military tribunal did not conduct the trial with impartiality or in accordance with national and international due-process standards. The report documented the lack of in-depth investigation, highlighted important contradictions in the declarations of the accused and the repeated refusal of the tribunal to conduct ballistic and forensic tests, which MONUC had offered to facilitate. The appeals trial commenced on 6 February and is continuing.

53. In another case, on 15 February the Kisangani Court of Appeal acquitted Chief Kahwa, a former Ituri warlord, ruling that all charges against him were covered by the extended amnesty law, which explicitly excludes genocide, crimes against humanity and war crimes from its scope of applicability. The charges against Kahwa included multiple murders of civilians, which could amount to crimes against humanity. The decision sets a dangerous precedent and goes against the spirit and letter of the amnesty law itself. However, Chief Kahwa, who was transferred on 22 March to a prison in Kinshasa, faces additional, unspecified, charges brought against him by the military prosecutor.

54. Among the limited positive developments were the arrest, on 7 February, of Mathieu Ngudjolo, former commander of FNI, and his transfer to the International Criminal Court to face charges of war crimes and crimes against humanity. At the time of his arrest, Ngudjolo was serving as a FARDC colonel. On 19 March, six police officers were convicted by the military tribunal of Mbandaka of mass rape and other crimes committed in Lifumba Waka, in Equateur province, in March 2006.

IX. Sexual and gender-based violence

55. Sexual and gender-based violence remains a major area of focus and concern for MONUC and the United Nations country team. While there is a strong correlation between such violence and armed conflict, sexual violence is prevalent throughout the Democratic Republic of the Congo. Whereas uniformed men represent the majority of perpetrators in the Kivus, such crimes have been attributed primarily to civilians elsewhere. The overwhelming majority of the victims were minors. Prosecution of cases remains disconcertingly rare.

56. Obtaining reliable figures on sexual violence is a challenge. Insecurity in the east constitutes a serious impediment, as do logistical difficulties, the dilapidated health-care system, general impunity that discourages reporting and legal recourse, and cultural sensitivities. A harmonized system for reporting has been established under the Government's joint initiative to combat sexual violence, which relies primarily on cases being reported to health-care facilities. The initiative brings together the Government, the United Nations system and national and international non-governmental organizations.

57. The limited information available confirms that the picture is bleak, but it may also offer modest evidence of improvement. In terms of national trends, figures from the joint initiative suggest that in approximately 69 per cent of cases reported countrywide, some medical assistance is provided, with psychosocial support given in some 73 per cent of cases. Some 14 per cent receive assistance with reintegration into their communities, while just 7 per cent receive judicial support when seeking

legal redress. These data are subject to qualitative assessment. However, while the number of victims reportedly receiving medical and psychosocial assistance leaves room for major improvement, available information suggests that the combined efforts of the Government, the United Nations and national and international non-governmental partners may be having an impact.

58. Trends at the provincial level may suggest that while there has been an extremely worrying increase in reports of new cases of sexual violence in the context of conflict in the Kivus, in post-conflict zones such violence may have decreased. In North Kivu, almost 80 per cent of cases for which victims sought assistance in 2007 related to crimes committed during that year.

59. MONUC is concentrating on reinforcing the Congolese capacity to prevent sexual violence, assist victims and end impunity for perpetrators. In limited but positive developments relating to the Congolese effort to fight impunity, the Minister for Defence ordered military region commanders in 2008 to establish follow-up committees composed of delegates of military region commands, high military courts and MONUC, to tackle serious crimes, including sexual violence. He also ordered commanders to increase instructions to troops on the importance of discipline and the consequences of disobedience, while seeking to enhance and accelerate the prosecution of such acts by the military justice system. A national follow-up committee, in which MONUC participates, has been established within the Ministry of Defence. Finally, the Ministry has also established a military operational court in North Kivu to prosecute serious crimes committed by FARDC troops. In January, the Government announced the establishment of a theme group on sexual violence to add further clarity and direction to collaboration with the international donor community.

60. A United Nations accelerated common action plan to combat sexual and gender-based violence is being developed, aimed at bridging gaps and ensuring the full coordination of United Nations interventions in this area. The common action plan is expected to be finalized by May. To assist in this process, a senior advisor is being seconded to support MONUC and the United Nations country team in their collective response against sexual and gender-based violence.

61. In the meantime, MONUC is continuing to focus its interventions on FARDC and national police personnel with the primary aim of preventing violence and bringing perpetrators to justice. Incidents of sexual violence are monitored and reported within the framework of the Mission's monthly reports on serious human rights violations by members of the armed forces, which are transmitted to the Ministry of Defence. Cases of ill-discipline and harassment of the population are also collated and sent every month to the Chief of Defence Staff. A continuous reporting mechanism has also been established within the Mission's military component to report on the involvement of recently trained battalions in any act of violence, with a view to taking further action. Furthermore, lists of reported high-level perpetrators within FARDC are being assembled as a basis for collecting evidence for possible prosecutions.

62. Working in collaboration with the Ministry of Defence, the Defence Institute of International Legal Studies of the United States of America and the Canadian forces, MONUC planned and delivered training courses on the investigation and prosecution of sexual crimes for 200 military magistrates and military judicial

police inspectors in Kinshasa, Kisangani and Matadi. A further 300 military personnel will benefit from additional training courses.

63. These developments demonstrate the increase in the concerted efforts of Congolese and international partners to address the scourge of sexual violence. However, resources for the fight against sexual violence remain inadequate, given the vast size of the Democratic Republic of the Congo, logistical difficulties and the multifaceted nature of the problem and its direct correlation with armed violence.

X. Rule of law and security sector reform

64. Progress in security sector reform has been modest, with little progress being made towards achieving the overall security sector reform benchmark. The Government convened a long-awaited round table on security sector reform in Kinshasa on 25 and 26 February, gathering some 200 participants, including international and national experts. The meeting was organized around four committees, on armed forces, justice, police and cross-cutting issues. The round table provided an important opportunity for the Government of the Democratic Republic of the Congo to present its approach to security sector reform to international partners.

65. Discussions during the meeting focused on the Government's presentation of a new master plan for army reform and a road map based on four pillars involving three overlapping phases spanning 12 years. The short-term phase, from 2008 to 2010, is based on (a) the training and deployment of 12 battalions of a rapid reaction force drawn from elements yet to undergo *brassage*, as well as from the 18 existing integrated brigades; (b) the establishment of the legal framework necessary for army reform; and (c) the completion of the transitional disarmament, demobilization and reintegration and army integration programmes. International partners observed that the plan presented at the round table did not adequately address the overall structure and management of the defence sector. The Government maintains that army reform is solely a national prerogative, to be dealt with through national decision-making and action.

66. Progress on police reform was more promising. During the round table, participants strongly recommended that Parliament rapidly adopt the draft law on the reform and the reorganization of the Congolese National Police without substantive modifications. The civilian character of the national police was reaffirmed. Participants also agreed on the need to integrate all judicial police branches into the national police, thereby ensuring that all criminal investigations will be under one authority. MONUC has recommended that this step be suspended until the national police and the High Council of the Magistrature, once established, can determine modalities for coordination. MONUC also presented the concept of vetting as a tool to be used by the Government to ensure compliance with the provisions of paragraph 15 of resolution 1794 (2007). The Commission agreed by consensus to recommend that the Parliament establish a vetting commission by law.

67. The Minister for Justice presented a five-year plan for justice sector reform. Round-table participants agreed that the plan presented a basis for donors to engage in dialogue, but believed that it did not contain a strategic vision for reform or an analysis of needs. MONUC will continue to assist the Ministry of Justice in developing priorities and will support donor outreach and coordination. The Mission

is also providing support to the Ministry of Defence in the drafting of a strategic plan on military justice. MONUC is also continuing to assist the permanent secretariat of the High Council of the Magistrature in conducting a detailed inventory of judicial personnel and infrastructure throughout the country.

68. MONUC has continued to provide technical assistance to the ministerial committee on reform of the penitentiary system with a view to the finalization of the reform package, including necessary draft legislation. The Government of the Netherlands has provided MONUC with two grants: one of $1.3 million for the reconstruction of Kinshasa's high-security military prison, and one of $600,000 for training military justice personnel. Nonetheless, prison conditions and infrastructure in the Democratic Republic of the Congo remain dilapidated, and the situation is deteriorating. In the eastern part of the Democratic Republic of the Congo there are reports of prisoners dying of starvation as a result of the Government's failure to provide food. MONUC has deployed corrections advisers to mentor and advise national authorities on addressing prison-related problems.

XI. Disarmament, demobilization and reintegration

69. Delays in the implementation of disarmament, demobilization and reintegration programmes continued to pose major security risks. The number of combatants remaining to be processed through the national programme for disarmament, demobilization and reintegration is estimated to be between 70,000 and 80,000. Negotiations between the Multi-Country Demobilization and Reintegration Programme and the Government have resulted in an agreement for the disbursement of additional funding for the national programme. Signature of the agreement is conditional on receipt of an appropriate response from the Government to a report prepared by the office of ethics and integrity of the World Bank and reimbursement by the Government of $6.8 million in ineligible expenses. The Government reimbursed $1.5 million in September 2007 and $2.5 million in recent months, leaving a balance of $2.8 million yet to be reimbursed.

XII. Children in armed groups

70. Despite the signing of the statements of commitment, the recruitment and re-recruitment of Congolese and Rwandan children by CNDP, Mayi-Mayi groups and foreign armed groups such as FDLR, continue to be reported in the Kivus. MONUC has documented cases of children formerly associated with armed groups being arrested by FARDC. In what appears to be a new trend, since December children arrested by FARDC are no longer being transferred to MONUC in accordance with previous standard practice. Instead, they are being detained, interrogated, mistreated and in some instances transferred to Kinshasa for further questioning.

XIII. Local elections

71. The successful conduct of credible local elections has been identified as an important benchmark for the eventual withdrawal of MONUC, and the Mission's support for such elections was confirmed in resolution 1797 (2008). The first

meeting of the steering committee of the electoral cycle support project was convened on 15 February. During the meeting, co-chaired by the President of the Independent Electoral Commission, Abbé Malu Malu, and my Deputy Special Representative, the Government renewed its commitment to organize local elections, albeit by the end of 2008. This timeline marked a shift in the official position of the Government, which had previously indicated that the elections should take place in June 2008. However, should the Congolese authorities decide to update the voter roll, a measure currently under consideration in the Commission, the local elections could be further delayed.

72. The Government, in conjunction with the Parliament, has committed itself to accelerating the adoption of essential laws, in particular the law on electoral constituencies and the law on the distribution of seats for the local elections. Neither has yet been submitted to Parliament, however. The Government also committed itself to honouring, as from March, financial commitments for funding local elections, namely, more than $24 million a year for the operation of the Independent Electoral Commission (and, subsequently, the National Independent Electoral Commission) and $25 million to pay electoral staff. As indicated above (see para. 21), the law on the National Independent Electoral Commission has not yet been adopted by Parliament. In the meantime, the Supreme Court has authorized the Independent Electoral Commission to carry on with electoral preparations.

73. Several donors have reiterated their support for local elections. However, significant resources will be needed over the coming months to ensure a timely and effective process. Donors are expected to provide an estimated $110 million, including for security costs, while the Mission's support costs are estimated at approximately $82 million.

XIV. Observations

74. Despite numerous setbacks, critical steps have been taken since my previous report towards resolving the complex causes of conflict and instability in the eastern part of the Democratic Republic of the Congo that have troubled the subregion for more than a decade. The Nairobi and Goma processes have established frameworks for addressing, in a comprehensive manner, problems created by Congolese and foreign armed groups, particularly in the Kivus. The Government of the Democratic Republic of the Congo is to be commended for the conclusion of the Nairobi communiqué with the Government of Rwanda, and for the successful conclusion of the conference on the Kivus and the signing of the statements of commitment. However, success in both processes is far from guaranteed and will ultimately depend on the determination, good faith and political will of all parties concerned. The strong and sustained political engagement of the international partners of the Democratic Republic of the Congo, who have thus far greatly contributed to the Nairobi and Goma processes, will also be essential.

75. The statements of commitment that emerged from the Goma conference should be a significant step forward. However, sustained effort by all concerned, including dialogue and negotiation among national stakeholders, remains crucial. The significant number of verified ceasefire violations is a matter of serious concern. I call upon all signatories to respect their obligations under the statements of commitment, and encourage the Government of the Democratic Republic of the

Congo to ensure inclusiveness in the follow-up structures. In this regard, the issuance of the executive orders on the structure and composition of the joint technical commission on peace and security is a welcome step. The continued active involvement of the international community is also critical to the success of this process.

76. I welcome the positive engagement of the Government of Rwanda in the Nairobi process. I strongly encourage the Governments of the Democratic Republic of the Congo and Rwanda, as well as the international community, to maintain momentum in implementing the Nairobi communiqué and the provisions of Security Council resolution 1804 (2008) in order to jointly address the problems posed by Rwandan armed groups in the eastern part of the Democratic Republic of the Congo. The continuing dialogue among countries in the Great Lakes region is also a welcome development and I commend the Government of the Democratic Republic of the Congo for its commitment to the International Conference on the Great Lakes Region and the implementation of the Pact on Security, Stability and Development in the Great Lakes Region. I urge the Democratic Republic of the Congo to establish full diplomatic relations with its neighbours as soon as possible and to address mutual concerns about security and border issues.

77. The situation in the Kivus has the potential to affect the stability of the Democratic Republic of the Congo as a whole and the subregion. Long-term stability in the Kivus will depend on many interlinked factors. The full extension of State authority throughout those provinces will be an essential step towards stability. A substantially strengthened FARDC is critical to achieving this goal. The operational performance of FARDC in North Kivu at the end of 2007 clearly demonstrated that the transformation and professionalization of the national army is a critical priority for the Democratic Republic of the Congo. The Government's round table on security sector reform was an important step forward. However, I am convinced that the Democratic Republic of the Congo would benefit from a strategic vision and comprehensive plan that establishes FARDC as a well-structured and professional force, able to meet its security responsibilities while respecting international humanitarian and human rights law. I urge the Government of the Democratic Republic of the Congo and its partners to show the necessary flexibility and to work together towards that common objective.

78. The elected Government of the Democratic Republic of the Congo has the primary responsibility for security and stability in the country. The Government is obligated to maintain the State's territorial integrity and to uphold the principles of the Constitution. I strongly urge the Congolese authorities that, in doing so, they refrain from the disproportionate use of force, which contributes to instability and poses the risk of grave humanitarian consequences. In this regard, recent events in Bas-Congo are very disturbing. I am very concerned by the provocations of BDK, which led to the escalating tensions. I urge all concerned to take the necessary measures to ease tensions, rebuild trust and resolve problems in Bas-Congo through dialogue.

79. The situation in Bas-Congo demonstrates the urgent need to make meaningful progress on the fiscal, legal and institutional aspects of decentralization as envisaged under the Constitution. While institutional progress continues at the national level, including with respect to the legislature, massive challenges face the Democratic Republic of the Congo in virtually every domain. I urge the

Government, assisted by its international partners, to redouble its efforts to consolidate democracy, enhance governance, combat corruption, respect human rights and establish the rule of law at the national and local levels, all of which will help bring about the reconstruction and economic development which the people of the Democratic Republic of the Congo urgently deserve and need. I also appeal to all political leaders to respect the principles of transparency, inclusiveness and tolerance and to create space for reform and for building the credibility of the country's legitimate institutions.

80. Local elections will mark another important step towards strengthening democracy in the Democratic Republic of the Congo and will require careful preparation. Further postponement of these polls carries political risks, as it could heighten dissatisfaction among some segments of the population concerned about inadequate representation in key areas of instability. Continued slippage in the timetable for the local elections could also complicate preparations for the national elections scheduled for 2011, while eroding confidence among the Congolese electorate and the international partners of the Democratic Republic of the Congo. In accordance with Security Council resolution 1797 (2008), the United Nations is providing technical advice and preparing to extend the logistical and security support needed for the elections. However, many steps remain to be taken if the ambitious timelines currently envisaged are to be met. I urge the Government and Parliament to proceed swiftly to enact the legislative and institutional frameworks necessary for the local elections. I also urge donors once again to support the conduct of the local elections and to help build the national electoral capacity of the Democratic Republic of the Congo.

81. The population is still looking forward to tangible peace dividends, as well as to accountability and transparency on the part of the Government. I encourage the Government to deliver on the commitments articulated in the Government programme for 2007-2011, the governance contract and associated reforms, and urge the international community to support the Government's efforts to put them into effect.

82. Widespread sexual violence in the Democratic Republic of the Congo remains a source of deep concern. The most important steps to address this phenomenon would be the disbanding of illegal armed groups and the extension of legitimate State authority. The responsibility for the prevention and prosecution of such crimes lies with the Government. I am encouraged by the personal commitment of President Kabila to combat the plague of sexual violence, and similar commitments by other senior Government officials and parliamentarians. I recently wrote to President Kabila commending him for his personal involvement and encouraging him to continue to work closely together with the United Nations in order to eradicate this blot on Congolese society.

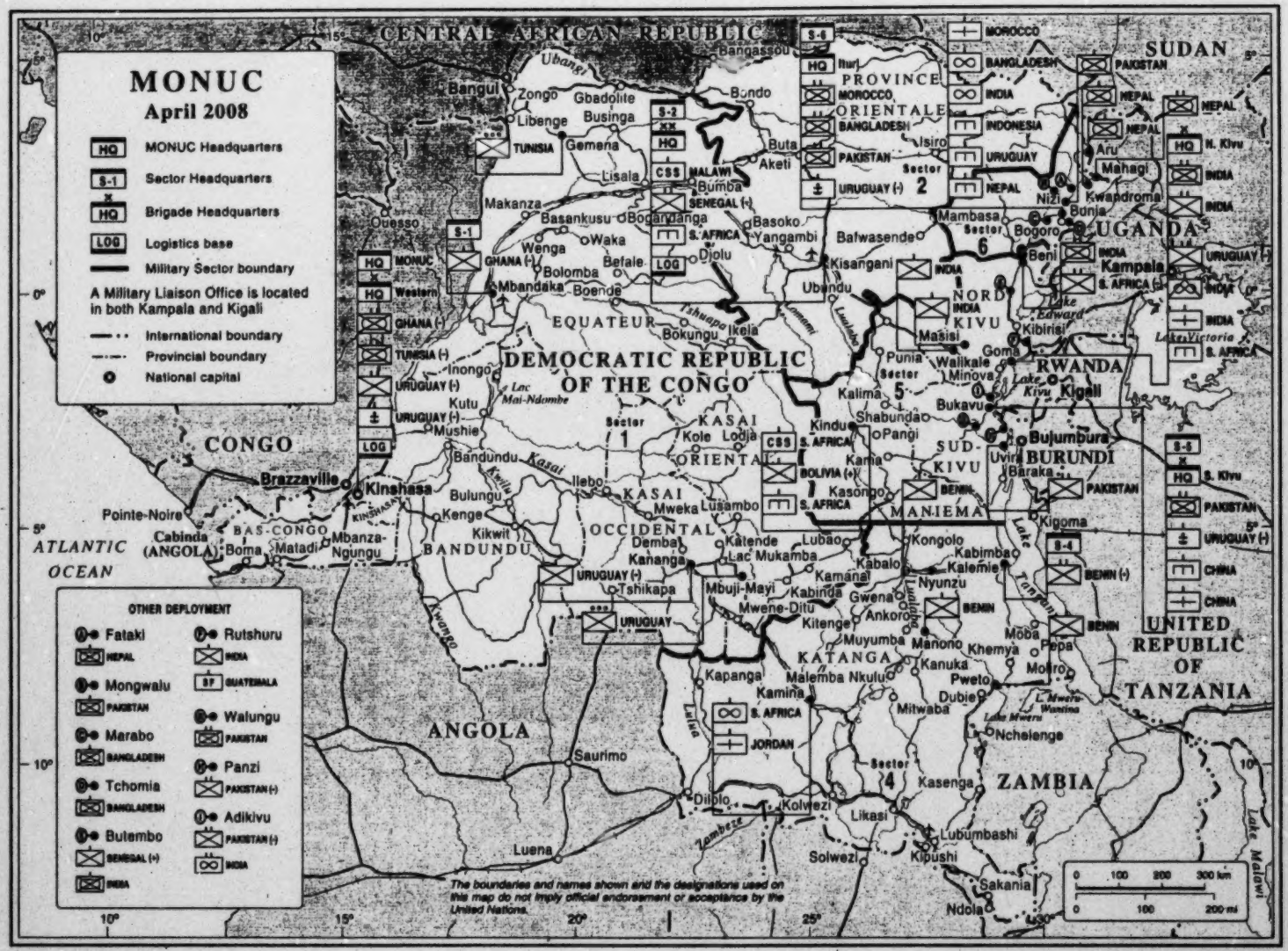
83. Much more needs to be done, however. MONUC and the United Nations system have stepped up their activities and are undertaking a thorough review of measures to support Congolese efforts to prevent and respond to sexual violence and to hold perpetrators accountable. I will continue to keep the Security Council informed of developments, including on the finalization of a comprehensive mission-wide strategy, the United Nations accelerated common action plan.

84. As the present report indicates, MONUC components continue to focus on helping the Democratic Republic of the Congo make progress towards the broad

benchmarks outlined in my previous report. Important steps have been made towards stability in the eastern part of the country, the holding of local elections and security sector reform, but numerous obstacles and uncertainties remain. The outcome of talks between the Government of Uganda and the Lord's Resistance Army, and discussions between the Democratic Republic of the Congo and Uganda with respect to the Allied Democratic Forces/National Army for the Liberation of Uganda may further alter the security situation in the eastern part of the Democratic Republic of the Congo. While continuing to support the Government's overall efforts to meet these benchmarks, MONUC will also develop with the Government clear tangible steps to be taken within the overall benchmarks outlined in my previous report. The achievement of those benchmarks would allow for the eventual withdrawal of MONUC and a calibrated transition to a more development-focused United Nations presence in the Democratic Republic of the Congo.

85. In accordance with resolution 1794 (2007), MONUC has placed the highest priority on addressing the security challenges posed by armed groups in the eastern part of the Democratic Republic of the Congo, with a particular focus on the protection of civilians. In support of the Goma and Nairobi processes, MONUC has redeployed more than 90 per cent of its forces to the eastern part of the country, with more than 60 per cent currently located in the Kivus. The Mission's current force levels, authorized under resolution 1756 (2007), do not reflect the critical role MONUC is expected to play under the Goma and Nairobi processes. These complex tasks are likely to require a high concentration of the Mission's assets, in terms of time and area of deployment. Every effort is being made to ensure that the concentration of troops in the Kivus does not create security vacuums elsewhere. However, MONUC resources are stretched to the limit, creating risks in areas of potential and rising tension, including in Bas-Congo and elsewhere. I intend to keep the situation under close review and may revert to the Council with recommendations to ensure that the Mission's military and civilian deployments correspond to its mandated tasks.

86. I would like to thank my Special Representative, Alan Doss for his efforts, as well as to pay particular tribute to his predecessor, William Lacy Swing, for his determination and courage in accompanying the Democratic Republic of the Congo through the transition and the first year of elected government. I would also like to thank the international and national staff members of MONUC and the United Nations country team, whose dedicated service, often under difficult conditions, has supported the people of the Democratic Republic of the Congo as they seek peace, security and respect for human rights. My appreciation also goes to the countries contributing police and troops to MONUC, and to their uniformed personnel who have served with honour in this difficult Mission, as well as to donor countries and multilateral and non-governmental organizations that provide the support needed to sustain progress in the Democratic Republic of Congo.



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